

# EXHIBIT 25

KILBURN TAMARA  
5/13/2021

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UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT SEATTLE

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HUNTERS CAPITAL, LLC, et al.,	)	
Plaintiffs,	)	
vs.	)	No. 20-cv-00983-TSZ
CITY OF SEATTLE,	)	
Defendant.	)	

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ZOOM VIDEO DEPOSITION UPON ORAL EXAMINATION  
OF  
TAMARA KILBURN  
SWAY AND CAKE 30(b)(6)

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9:00 a.m.  
May 7, 2021

\*\*\* Contains Confidential Testimony and Exhibits \*\*\*

REPORTED BY: Pat Lessard, CCR #2104

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1 A. Yes.

2 Q. When you were in and out of your location  
3 during those protests, other than observing the  
4 atmosphere of tension and anger and anxiety, did you  
5 see any other changes to your neighborhood from the  
6 protests?

7 MR. WEAVER: Objection. Answer if you can.

8 A. I mean it was -- it was like a boarded-up  
9 neighborhood. I mean it was not -- it didn't feel  
10 like I was in the same neighborhood.

11 Q. (By Ms. Pratt) Did that change as June, you  
12 know, at the start of June and as June continued?

13 Are you there?

14 A. Yes.

15 MR. WEAVER: We had a reboot so we were  
16 waiting for the next question. We didn't realize we  
17 were gone.

18 Q. (By Ms. Pratt) Okay. So as May turned into  
19 June did you notice any changes in your  
20 neighborhood -- any further changes in your  
21 neighborhood?

22 MR. WEAVER: Objection. Answer if you can.

23 A. Yeah. I mean, first of all, it was called  
24 CHAZ and then it was CHOP. The police left and then  
25 various groups took over and blocked off streets.

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1 Q. (By Ms. Pratt) And how was the atmosphere  
2 that you described earlier? Did the atmosphere  
3 change?

4 A. I don't even know if I'd use the word  
5 "atmosphere" at that point. It was different. There  
6 was like -- okay. There were streets blocked off, no  
7 police. It was various groups that were there  
8 primarily to cause problems.

9 There were makeshift shelters and garbage  
10 and graffiti and broken stuff. And it -- yeah, it was  
11 completely -- it was like, yeah. And, you know, I did  
12 not stay around that often because I just went and did  
13 what I had to do to ship and then I left.

14 I had children with me. Schools were not  
15 open yet so I didn't feel safe or comfortable being  
16 there with kids. So it was a quick exchange and then  
17 I was off.

18 Q. And when did that continue to?

19 A. Again, I don't have the whole dates, but  
20 June was pretty much a full takeover month and it  
21 didn't seem that it would dissipate anytime soon, so.  
22 Restrooms were provided, food, shelter.

23 It didn't seem like -- if anything, it  
24 seemed like it was encouraged.

25 Q. I'm sorry. I asked when did that continue

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1 to?

2 MR. WEAVER: Objection. You can answer if  
3 you can as far as what she's asking about.

4 A. I don't -- I'm not completely clear but I do  
5 know that it was blocked off most, if not all, of  
6 June.

7 Q. (By Ms. Pratt) Did you try to open at any  
8 point in June?

9 A. No.

10 Q. You said various groups took over and  
11 blocked off the streets.

12 What streets were blocked off?

13 A. I don't know all of the streets, but the  
14 ones that affected me directly, half of my store was  
15 in the occupied area on 12th. There were barriers up  
16 to my window that you could not cross unless you  
17 wanted to enter the Zone.

18 And I believe that that continued down Pike  
19 on each thoroughfare until maybe Broadway -- I wasn't  
20 sure if it went all the way to Broadway -- and then on  
21 Pike and then the park. I don't know exactly where it  
22 ended exactly.

23 But I didn't really feel comfortable  
24 venturing around in there all the time. So I just  
25 went in when I needed to document and then I left.

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1 are the two images that you provided to me are clearer  
2 versions of pages that are included in Exhibit 16,  
3 right?

4 A. I believe so.

5 Q. Okay. But there are additional documents  
6 related to your PPP loans for which you don't have  
7 clearer versions of them available right at this  
8 second, right?

9 A. Yes.

10 Q. Okay. Great.

11 So why don't we look at another document.  
12 I'm going to pull that up now. This will be marked  
13 Exhibit 20.

14 (Marked Deposition Exhibit No. 20.)

15 Q. (By Ms. Pratt) Exhibit 20 is in your Chat.  
16 Please let me know when you have it open.

17 MR. WEAVER: I don't think she could hear  
18 you.

19 A. Oh, I see it. I'm sorry. I have it.

20 Q. (By Ms. Pratt) Okay. Actually, I had  
21 another question.

22 You talked about the barriers that were on  
23 12th in CHOP, is that right?

24 A. I believe so.

25 Q. Okay. Where were there barriers near

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1 Sway and Cake during CHOP?

2 MR. WEAVER: Objection. Answer if you can.

3 A. There were street closures with cement  
4 barricades on 12th, 12th and Pike.

5 Q. (By Ms. Pratt) And what street did those  
6 cement barriers block car traffic to?

7 A. It blocked 12th Avenue heading towards the  
8 police precinct, that block.

9 Q. So 12th Avenue heading north, is that right?

10 A. Yeah. If that's north, yeah. Toward the --  
11 the same block that the police station is on.

12 Q. But Pike, which goes east and west, was not  
13 blocked, right?

14 A. Correct. It was open.

15 Q. And how long was 12th heading north in front  
16 of Sway and Cake blocked?

17 MR. WEAVER: Objection. 12th is not in  
18 front of Sway and Cake. I just want to make sure  
19 we're oriented here correctly.

20 Q. (By Ms. Pratt) All right. Why don't we  
21 open an exhibit. I think it's 10 but I'll let you  
22 know in a sec.

23 All right. Let's open Exhibit 10. Let me  
24 know when you have that open.

25 Okay. So looking at Exhibit 10, is it

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1 correct that Sway and Cake sits at the corner of Pike  
2 and 12th?

3 A. Yes.

4 Q. And you said Pike was not blockaded, is that  
5 right?

6 A. Correct.

7 Q. So Pike was open but 12th was blocked, is  
8 that right?

9 A. Yes.

10 Q. And it was blocked, you couldn't go any  
11 further on 12th once you hit the other side of Pike,  
12 right?

13 A. Yeah. It was just -- it was blocked at that  
14 intersection.

15 Q. And the intersection is the one that  
16 continues north, right?

17 A. Correct.

18 Q. Okay. And you're saying that that  
19 intersection -- or that area where 12th was blocked  
20 off near Sway and Cake, that it was blocked off for  
21 how long?

22 A. I don't have the exact dates but it was the  
23 majority, if not all, of June.

24 Q. Was it blocked off before the East Precinct,  
25 before SPD vacated the East Precinct?



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1 A. Yes.

2 Q. Was it blocked off after the CHOP was  
3 cleared on July 1st?

4 MR. WEAVER: Objection.

5 A. I don't recall.

6 Q. (By Ms. Pratt) Okay. And you mentioned  
7 cement barriers. Were there any other types of  
8 barriers?

9 A. At one point there were -- I don't know the  
10 exact terms, but there were types of -- different  
11 types of manmade wood and iron fencing.

12 And also some -- I don't know what they're  
13 for, but some kind of barrier that's used for traffic  
14 setups that had signage on it about the occupied area.

15 Q. And was the cement always there or was the  
16 cement there only part of that time?

17 A. To the best of my recollection when the  
18 police were still active I'm not sure if it was there,  
19 but I do know it was definitely there when they were  
20 away.

21 Q. And so before the East Precinct was vacated  
22 what was the barrier that was at 12th and Pike?

23 A. Again, I don't know what it's called  
24 properly but it's the kind of metal gates and barriers  
25 that they use at, like, traffic or crowd control or

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1 concerts, but it was made of metal.

2 Q. Okay. We were looking at a different  
3 document. It was Exhibit 20.

4 Will you open that again?

5 MR. WEAVER: The witness has it open. I'm  
6 sorry, I'm just -- you know, I think she's waiting for  
7 it to open.

8 Q. (By Ms. Pratt) Can you tell me what  
9 Exhibit 20 is?

10 A. Twenty is information that I provided from  
11 my shopping system of -- let's see, some numbers, some  
12 of the losses and loss numbers from the June closure.

13 Q. Okay. You said you put this together from  
14 your shopping system. What system is that?

15 A. Shopify Point-of-Sale. It holds all the  
16 numbers since I have been -- I believe since 2016 is  
17 when I started it.

18 Q. Okay. And then I believe you said it  
19 includes the number of losses from the June closure,  
20 is that what you said?

21 A. Correct.

22 Q. Which numbers do you attribute to the June  
23 closure?

24 A. I attribute -- we had wages that we had to  
25 pay, we were paying, even though we weren't open to

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C E R T I F I C A T E

STATE OF WASHINGTON )  
 ) ss.  
COUNTY OF KING )

I, the undersigned Washington Certified Court Reporter, hereby certify that the foregoing deposition upon oral examination of TAMARA KILBURN was taken stenographically by me on May 7, 2021, and transcribed under my direction;

That the witness was duly sworn by me pursuant to RCW 5.28.010 to testify truthfully; that the transcript of the deposition is a full, true, and correct transcript to the best of my ability; that I am neither attorney for nor relative or employee of any of the parties to the action or any attorney or counsel employed by the parties hereto, nor am I financially interested in its outcome.

I further certify that in accordance with CR 30(e) the witness was given the opportunity to examine, read and sign the deposition within 30 days upon its completion and submission, unless waiver of signature was indicated in the record.

IN WITNESS WHEREOF, I have hereunto set my hand and seal this  
11th Day day of May




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